IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MANOR CARE OF BETHLEHEM : PA (2029), LLC d/b/a MANORCARE : HEALTH SERVICES-BETHLEHEM :

(2029),

CAROL HUBER,

Petitioner, : CIVIL ACTION NO. 14-mc-135

:

v.

Respondent.

ORDER

AND NOW, this 9th day of July, 2014, Petitioner having filed a Motion to Designate and Appoint Arbitrator for the Respondent ("Motion to Designate and Appoint," Doc. No. 1); and it appearing from the face of the Motion to Designate and Appoint that the Court lacks subject-matter jurisdiction over this matter; and the Court having given Petitioner twenty-one (21) days to file an amended motion to properly invoke this Court's subject-matter jurisdiction or risk dismissal (Doc. No. 3); and Petitioner having failed to file an amended motion; accordingly, it is hereby **ORDERED** as follows:

- 1. This action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3); and
 - 2. The Motion to Designate and Appoint (Doc. No. 1) is **DENIED** as moot.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.